

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

JERMAINE JOSEPH DUNLAP,

Petitioner,

v.

SUPERIOR COURT OF SAN
BERNARDINO COUNTY, et al.,

Respondents.

No. 2:22-cv-1050 AC P

ORDER

Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254.

Petitioner is presently incarcerated at R.J. Donovan Correctional Facility in San Diego County and is serving a sentence for a conviction rendered by the San Bernardino County Superior Court. Though it is not clear, the petition appears to challenge the denial of a petition for resentencing.

Pursuant to 28 U.S.C. § 2241(d), courts in both the district of conviction and the district of confinement have concurrent jurisdiction over applications for habeas corpus filed by state prisoners. Because petitioner was not convicted in this district, and is not presently confined here, this court does not have jurisdiction to entertain the application. It further appears that the most appropriate forum for the instant action is the district where petitioner is confined. See

1 Braden v. 30th Jud. Cir. Ct., 410 U.S. 484, 499 & n.15 (1973) (district of conviction is generally
2 the more convenient forum for challenges to conviction). Therefore, this action will be
3 transferred to the United States District Court for the Central District of California.

4 Accordingly, IT IS HEREBY ORDERED that this matter is transferred to the United
5 States District Court for the Central District of California.

6 || DATED: June 22, 2022

Allison Claire
ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE